

“Date”

Dr. Emily Nichols
Director / Medical Director New Orleans EMS
2929 Earhart Blvd
New Orleans, LA 70125

RE: Ethics Board Docket No. 2020-913

Dear Dr. Nichols:

The Louisiana Board of Ethics, at its February 5, 2021 meeting, considered your request for an advisory opinion as to whether you may join the medical advisory board for ImageTrend while ImageTrend has a business relationship with your employer, New Orleans EMS.

FACTS PROVIDED

You provided that you are currently employed by the City of New Orleans as the Director and Medical Director of New Orleans EMS. You stated that you were contacted by ImageTrend to serve on their newly formed medical advisory board. You stated that ImageTrend is a company that owns the electronic medical record used by New Orleans EMS. You stated that the business relationship between ImageTrend and New Orleans EMS began before you became the Director / Medical Director. You stated that as a member of the medical advisory board you would be required to attend four meetings per year. Three of the meetings would be virtual and one meeting would be in person. You stated that you would not be compensated to serve on the medical advisory board, however ImageTrend has offered to reimburse you for travel expenses associated with attending the in-person meeting. In addition, ImageTrend has offered to donate \$350 to a charity of your choosing for every meeting that you attend.

LAW

La. R.S. 42:1111C(2)(d) prohibits a public servant and a legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, from receiving any thing of economic value for services rendered from a person who has or is seeking to obtain contractual or other business or financial relationships with the public servant's agency.

La. R.S. 42:1112B(3) prohibits a public servant from participating in a transaction involving the governmental entity in which, to his actual knowledge, any person of which he is an officer, director, trustee, partner, or employee has a substantial economic interest.

CONCLUSION

The Board concluded and instructed me to inform you, the Code of Governmental Ethics (Ethics Code) would not prohibit you from serving on the medical advisory board for ImageTrend and allow ImageTrend to make donations to charities of your choice, provided that you receive no compensation or reimbursement for your service to ImageTrend, including any tax credit for donations made by ImageTrend. The Board further instructed me to inform you that reimbursement for travel expenses would be a thing of economic value, thus there would be a violation of La. R.S. 42:1111C(2)(d) for you to receive reimbursement for travel expenses. Finally, the Board instructed me to inform you that

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you would be prohibited from participating in any transaction by New Orleans EMS involving ImageTrend while serving on the advisory board.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and conflict of interest provisions in the gaming laws. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Gregory L. Thibodeaux
For the Board

DISCLAIMER
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics.
No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.